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REMARKS

Rejections under 35 U.S.C. § 103

Claims 4-8, 21-26, 28-30 and 32-34 were rejected under 35 U.S.C. § 103(a) over Bonk (U.S. Patent No. 4,101,026) in view of Ulmann et al. (U.S. Patent No. 6,257,410) and further in view of Warren (U.S. Patent No. 2,776,051). The Office Action asserts that Bonk discloses a container having four sides, a bottom, asymmetric protrusions, a lip, a notch and a coreless roll of moistened wipes. The Office Action asserts that Ulmann et al. discloses that it is well known to place instructions on a package of a roll of moistened wipes, and that it would therefore be obvious to modify the container of Bonk by providing instructions on the container. The Office Action further asserts that Warren discloses that it is known to provide an article to be dispensed with an asymmetric raised area fitting into a slot in a dispenser, and that it would therefore be obvious to modify the container of Bonk in combination with Ulmann et al. so as to be asymmetrical. In addition, the Office Action asserts that it is well known to provide a dispenser with a cover.

The rejection of the claims under 35 U.S.C. § 103(a) over Bonk, Ulmann et al., and Warren is respectfully traversed. The applied references, alone or in combination, fail to provide each and every element of the claims. Applicants respectfully point out that the Office Action's correlations of elements of Bonk with the claimed aspects of the container are not consistent with the disclosure of the reference, and the Office Action's representation of the disclosure of Warren is not consistent with the written description in the reference. In addition, the combination of Bonk, Ulmann et al. and Warren fails to provide each and every element of the claims.

Independent claims 4, 21, 24, 28-30 and 32-34 recite a method including providing instructions for the placement of a container in a wet wipes dispenser. The Office Action asserts that Ulmann et al. discloses providing instructions "on the ends of a roll 12 of moistened wipes." Applicants respectfully point out that Ulmann et al. discloses only the printing of instructions directly on a wound substrate (col. 5, lines 45-

65; and Figure 2). There is no teaching or suggestion in Ulmann et al. of the placement of instructions on a *package* that would contain the product. Moreover, the use of the wound roll of substrate of Ulmann et al. in the structure of Bonk would not accomplish the provision of instructions as recited in the claims. Any markings on the wound roll of substrate of Ulmann et al. would be concealed when placed in the structure of Bonk. It would thus be impossible to provide instructions for placement of the container if the necessary markings are hidden within the container.

Applicants respectfully point out that the above analysis of Ulmann et al. in combination with Bonk was previously presented in the Amendment and Request for Reconsideration filed April 14, 2003. It is acknowledged that the present Office Action more accurately represents the disclosure of Ulmann et al. than did the first Office Action [Paper No. 15], in that drawing element 12 of the reference is now identified as the roll of wipes rather than a package. However, this does not account for the failure of the combination of Ulmann et al. and Bonk to provide each and every element of claims 4-8, 21-26, 28-30 and 32-34. It is respectfully requested that the Examiner address these arguments in any future action on the merits.

Bonk, Ulmann et al. and Warren, alone or in combination, do not teach or suggest each and every element of claims 4-8, 21-26, 28-30 and 32-34, at least with respect to the providing of instructions for the placement of a container in a wet wipes dispenser. It is noted that Warren does not teach or suggest, nor has the Office Action asserted that Warren teaches or suggests, providing such instructions. Accordingly, a *prima facie* case of obviousness over Bonk, Ulmann et al. and Warren has not been presented for these claims, and Applicants respectfully request that the Examiner withdraw this rejection.

In addition to the recitation of providing instructions, independent claims 4, 21, 30 and 34 each recite that the manufactured container is asymmetric. Dependent claims 5 and 6 further recite that this asymmetry is related to the protrusions on the sides of the container, and claim 6 recites that these protrusions provide a "keyed" fit with the

dispenser. The asymmetry of a container of wet wipes and the relation of this asymmetry to the “keyed” arrangement between the container and a dispenser is described in the specification, for example at page 15, lines 14-31. The term “symmetrical” is defined on lines 21-23:

An object is considered symmetrical if there can be a plane which passes through the object such that the portions on either side of the plane are reflections of each other.

The specification further provides examples of asymmetry in the context of wipes containers (p.15, lines 24-31; and Figure 2). When such asymmetric containers are used with a dispenser having an asymmetric opening, it is possible for the container and the dispenser to fit together in a manner similar to a lock and key. A “keyed” fit between the container and the dispenser can assure that a roll of wipes in the container will unwind from a predetermined orientation, i.e., from the bottom of the roll or the top of the roll.

In contrast, the protrusions of Bonk do not provide any asymmetry to the container as defined in Applicants’ specification. Flange 23 (col. 7, lines 59-62) and shoulders 52-53 (col. 7, lines 8-12, 15-18) and 57 (col. 7, lines 24-25) of Bonk extend uniformly around the entire perimeter of the structure. The resulting symmetrical configuration of these elements is emphasized by Figures 4 and 5 of Bonk, in that the “lines 5—5 of FIG. 4” define a plane of reflection that passes through the structure. Thus, Bonk does not teach or suggest an asymmetric container as described by Applicants. Applicants respectfully point out that the above analysis of Bonk was previously presented in the Amendment and Request for Reconsideration filed April 14, 2003. As the present Office Action continues to assert that Bonk discloses an asymmetric container, it is respectfully requested that the Examiner address these arguments in any future action on the merits.

The disclosure of Warren likewise fails to teach or suggest an asymmetric container. The raised operating member 28 of the lipstick dispenser of Warren does not provide any asymmetry to the container as defined in Applicants’ specification. The

symmetrical configuration of the operating member 28 is emphasized by Figures 1 and 3 of Warren, in that a vertical line through the center of each figure defines a plane of reflection that passes through the structure. Thus, Warren does not teach or suggest an asymmetric container as described by Applicants.

Even if Warren could be construed as teaching an asymmetric container, the Office Action has not provided a proper motivation or suggestion to combine the references. The only motivation presented in the Office Action to combine the lipstick holder of Warren with the dispenser of Bonk and/or with the wipes of Ulmann et al., is that the combination would increase the "ease of use". The assertion of increased ease of use without any reasoning on the record amounts to a simple conclusory statement and is not a genuine motivation to combine these references. This assertion is not supported by any disclosure in the references, and appears to be based on the personal knowledge of the Examiner. Applicants hereby traverse this use of the Examiner's personal knowledge, as it is not common knowledge that the addition of an operating member (drawing element 28) from a lipstick tube (drawing element 10) to a wipes dispenser could possible increase the ease of use of either the lipstick or the wipes dispenser. Accordingly, applicants hereby request, under 37 CFR 1.104(d)(2), that the Examiner provide an affidavit in support of the assertions made based on the Examiner's personal knowledge (MPEP 2144.03(C.)).

Bonk, Warren and Ulmann et al., alone or in combination, do not teach or suggest each and every element of claims 4-8, 21-23, 30 and 34, at least with respect to the asymmetry of the manufactured container. It is noted that Ulmann et al. does not teach or suggest, nor has the Office Action asserted that Ulmann et al. teaches or suggests, an asymmetric container. Moreover, until the Examiner provides appropriate affidavits or reference citations, there is no evidence on the record of any suggestion or motivation to combine the disclosures of the references. Accordingly, a *prima facie* case of obviousness over Bonk, Warren and Ulmann et al. has not been presented for these claims, and Applicants respectfully request that the Examiner withdraw this rejection.

In addition to the recitation of providing instructions, independent claims 28, 30 and 32 each recite that the wipes dispenser, into which the container can be placed, comprises a cover. The Office Action asserts that it is well known to provide a cover on a dispenser to protect the contents, and that it would thus be obvious to provide a covered dispenser for the structure of Bonk. Applicants respectfully traverse this aspect of the rejection, and point out that the structure of Bonk to which the Office Action refers is a complete dispenser, with a body, a top and a base (col. 4, lines 21-24). The Office Action has attempted to correlate this dispenser with the manufactured container as recited in the claims. In order to provide a dispenser separate from the main structure of Bonk, the Office Action has attempted to correlate the holder 22 of Bonk with the wet wipes dispenser as recited in the claims. This holder is shown as a simple bracket in Figure 6, and is described as a purely optional component unrelated to the operation of the dispenser (col. 7, line 58 – col. 8, line 12).

Thus, the present Office Action has asserted that it is obvious to place a complete wet wipes dispenser inside yet another dispenser having a cover. The only evidence provided in support of this assertion is the Official Notice that covered dispensers are known. Applicants hereby traverse this use of the Examiner's personal knowledge, as it is not common knowledge to enclose and cover a wet wipes dispenser, such as the structure of Bonk, inside another wet wipes dispenser. Accordingly, applicants hereby request, under 37 CFR 1.104(d)(2), that the Examiner provide an affidavit in support of the assertions made based on the Examiner's personal knowledge (MPEP 2144.03(C.)).

Bonk, Warren and Ulmann et al., alone or in combination, do not teach or suggest each and every element of claims 28, 30 and 32, at least with respect to the placement of a wet wipes container into a dispenser having a cover. It is noted that Ulmann et al. and Warren do not teach or suggest, nor has the Office Action asserted that Ulmann et al. or Warren teach or suggest, a wet wipes dispenser having a cover. Accordingly, a *prima facie* case of obviousness over Bonk, Ulmann et al. and Warren

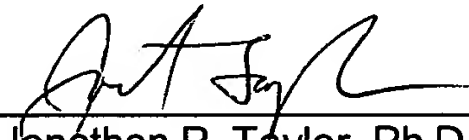
has not been presented for these claims, and Applicants respectfully request that the Examiner withdraw this rejection.

Conclusion

In conclusion, all of the grounds raised in the present Office Action for rejecting the application are believed to be overcome or rendered moot based on the remarks above. Thus, it is respectfully submitted that all of the presently presented claims are in form for allowance, and such action is requested in due course. Should the Examiner feel a discussion would expedite the prosecution of this application, the Examiner is kindly invited to contact the undersigned.

Respectfully submitted,

2/13/04



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